

AO 243 (Rev. 5/85)

MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District Western District of Louisiana
Name of Movant Corey Holder	Prisoner No. 12600-035	Case No. 05-50007

Place of Confinement

United States Penitentiary, U.S.P. PollockU.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

JAN 9 2009

UNITED STATES OF AMERICA

V. **Corey Holder**

(name under which convicted)

ROBERT H. REMWELL, CLERK
BY CW DEPUTY
SHREVEPORT

MOTION

- Name and location of court which entered the judgment of conviction under attack **United States District Court, Western District of Louisiana-Shreveport Division**
- Date of judgment of conviction **May 5, 2006**
- Length of **240 months, (20 years).**
- Nature of offense involved (all counts) **Count 1-, 18 U.S.C. § 922(G)(1), Count 2-
18 U.S.C. § 924(d)(1), Count 3-, 18 U.S.C. § 922(G)(1), Count 4-
18 U.S.C. § 924(d)(1)**
- What was your plea? (Check one)
 - Not guilty ☐
 - Guilty ☒
 - Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

- If you pleaded not guilty, what kind of trial did you have? (Check one)
 - Jury ☐
 - Judge only ☐
- Did you testify at the trial?
Yes ☐ No ☒
- Did you appeal from the judgment of conviction?
Yes ☐ No ☒

(2)

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9. If you did appeal, answer the following:

- (a) Name of court N/A
- (b) Result N/A
- (c) Date of result N/A

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court N/A(2) Nature of proceeding N/A(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒(5) Result N/A(6) Date of result N/A

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A(2) Name of proceeding N/A(3) Grounds raised N/A

(3)

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result N/A

(6) Date of result N/A

(c) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☒

(2) Second petition, etc. Yes ☐ No ☒

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

N/A

12. State *concisely* every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
(b) Conviction obtained by use of coerced confession.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: **COUNSEL RENDERED INEFFECTIVE COUNSEL WHEN HE FAILED TO FILE A REQUESTED APPEAL**

Supporting FACTS (state *briefly* without citing cases or law): **SEE ATTACHED MEMORANDUM IN SUPPORT OF MOTION TO VACATE, SET ASIDE, AND OR CORRECT SENTENCE PURSUANT TO 28 U.S.C. § 2255(4) .**

B. Ground two: **N/A/**

Supporting FACTS (state *briefly* without citing cases or law): **N/A**

C. Ground three: **N/A**

Supporting FACTS (state *briefly* without citing cases or law): **N/A**

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D. Ground four: N/A

Supporting FACTS (state *briefly* without citing cases or law): N/A

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: N/A
- _____
- _____
- _____

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing N/A

(b) At arraignment and plea N/A

(c) At trial N/A

(d) At sentencing N/A

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(e) On appeal N/A(f) In any post-conviction proceeding N/A(g) On appeal from any adverse ruling in a post-conviction proceeding N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

N/A

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☒ No ☐

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

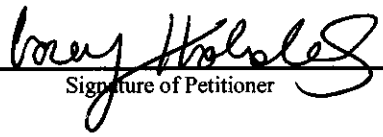
N/A

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

JAN. 5TH 2009

Date


Signature of Petitioner

January 5, 2009

Corey Holder
Reg. No. # 12600-035
United States Penitentiary, Pollock
P.O. Box 2099
Pollock, Louisiana 71467

**CLERK of the Court, United States District
Court, Western District of Louisiana**
U.S. Courthouse
300 Fannin St., Suite 1167
Shreveport, Louisiana 71101-3083

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

JAN 09 2009

ROBERT H. SHERWELL, CLERK
BY DEPUTY
SHREVEPORT

In re: Case No. 05-5007-01
05-5008M-01

Dear Clerk,

enclosed you will find, as per instructions, one original copy signed in blue ink, and two (2) copies of my *motion to vacate, set aside, and or correct a sentence pursuant to 28 U.S.C. § 2255(4)* along with accompanying *memorandum in support and copies of affidavits to be used as exhibits* to be filed with the court.

I also enclosed an extra copy for my records to be stamped as filed and returned unto me in a self-addressed stamped envelope in which I provided with correct postage pre-paid. Please return the extra copy accordingly. However, I did not enclosed an extra copy of the exhibits.

*Done
CW
1/9/09*

Thank you very much for your assistance in this matter. Have a great day!

Sincerely,


Corey Holder